

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 11/16/07

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
NATHEL & NATHEL, INC.,

Plaintiff,

07 Civ. 6300 (PKC)

-against-

ORDER

SEI MOK LEE,

Defendant.

-----x

P. KEVIN CASTEL, District Judge:

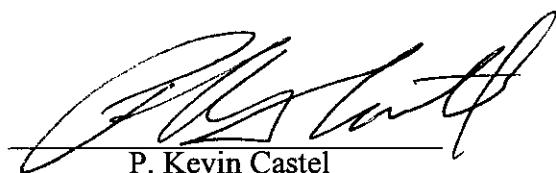
From a review of the docket, it appears that plaintiff has failed to serve process on the defendant within 120 days after the filing of the complaint. Rule 4(m), Fed. R. Civ. P., provides in relevant part that

If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period.

Here, plaintiff has made no application for an extension of time to serve process nor has plaintiff made any effort to show good cause for failing to do so. This Order constitutes notice to plaintiff that your case will be dismissed unless by December 3, 2007, either: (a) proof is provided that process has been made; or (b) a showing of good cause is made for the failure to serve. If plaintiff fails to satisfactorily do either, then this Court will dismiss this case without prejudice as to the defendant.

-2-

SO ORDERED.



P. Kevin Castel
United States District Judge

Dated: New York, New York
November 15, 2007